

SEALED MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MEETING – January 12, 2009

Closed Session #2

Connestee Falls Project

Pursuant to NCGS 143-318.11 (a)(5), to instruct staff or negotiating agents regarding the acquisition of real property. Present were Chairman Chappell, Commissioners Bullock, Hawkins and Hogsed, County Manager Artie Wilson and Clerk to the Board Trisha McLeod.

The Manager reported that Mr. Dick Smith is asking for a net price of \$313,930 for the Connestee Falls property. Mr. Smith has alluded to the Carolina Mountain Land Conservancy that once the land was purchased, he would make a cash donation back to the County, which would essentially lower the selling price. Staff is trying to remain within the limits the Board allowed, which is \$25,000. Mr. Smith has a note on the property of \$198,000. Assuming the County gets the scope change for the PARTF grant and grant funding remains the same at \$325,650, the total cost would be \$651,300. If the County could purchase the property for \$198,000, and including the easement, Mr. Smith would have to donate or give the County \$115,930. If that would work, the County would have no funds tied up in this project.

The Manager also reported that Mr. Kieran Roe, with the Carolina Mountain Land Conservancy, continues to negotiate with Mr. Smith. The County can negotiate the price of the land starting at the price of the note. Commissioner Hogsed said the County should not negotiate so low as to upset Mr. Smith. He further said if he were Mr. Smith, he would have washed his hands of this project. The Manager pointed out that Mr. Smith has already donated an easement to the property. At a selling price of \$250,000, the County's investment would be \$27,000, and the Board has already authorized \$25,000. The Manager emphasized that any negotiations are contingent upon getting the scope change for the project and being able to use the easement as a match. Then staff would ask permission to negotiate the selling price somewhere between the amount of the note and \$250,000. The County could then purchase the property, construct the overview deck, add picnic tables and signage and make the park ADA accessible. The Manager requested permission to negotiate with Mr. Smith up to \$250,000. If the factors do not fall into place, Commissioners will then have to decide whether to commit additional funds.

Commissioner Bullock said he thinks Mr. Smith's best option is to work with the County because the property can not be developed in another manner. He also believes Mr. Smith would like to see the property converted into a park.

Commissioner Hogsed said he willing to commit to trying to do whatever it takes to acquire the property. The Manager said he believes PARTF will accept the scope change and not reduce the amount of the grant. He also believes Mr. Smith wants to sell the property.

Commissioner Hawkins asked if Mr. Smith's motivation is to make money or preserve the falls. The Manager said he believes his motivation is to preserve falls.

After further discussion, Commissioners agreed to give the Manager the authority to negotiate with Mr. Smith up to \$250,000 contingent upon the aforementioned factors.

Chairman Chappell moved to reenter Open Session, seconded by Commissioner Bullock and unanimously carried.

ATTEST:

Jason R. Chappell, Chairman
Board of County Commissioners

Trisha M. Hogan
Clerk to the Board

01/12/2009